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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

10 MARIBEL MURILLO, individually  
11 and as successor-in-interest Of The  
12 Estate of deceased, JONATHAN  
MURILLO-NIX.

**Plaintiff.**

vs.

16 CITY OF LOS ANGELES, a  
17 governmental entity; JESUS  
18 MARTINEZ, individually; KYLE  
1-  
10. GRIFFIN, individually; and DOES 1-  
10, inclusive.

20 | Defendants.

**Case No.**

## **COMPLAINT FOR DAMAGES**

1. Fourth Amendment—Detention and Arrest (42 U.S.C. § 1983)
  2. Fourth Amendment—Excessive Force (42 U.S.C. § 1983)
  3. Fourth Amendment—Denial of Medical Care (42 U.S.C. § 1983)
  4. Substantive Due Process (42 U.S.C. § 1983)
  5. Municipal Liability—Ratification (42 U.S.C. § 1983)
  6. Municipal Liability—Inadequate Training (42 U.S.C. § 1983)
  7. Municipal Liability—Unconstitutional Custom, Practice, or Policy (42 U.S.C. § 1983)
  8. Battery (Wrongful Death)
  9. Negligence (Wrongful death)
  10. Violation of Cal. Civil Code §52.1

## DEMAND FOR JURY TRIAL

## **COMPLAINT FOR DAMAGES**

COME NOW, Plaintiff Maribel Murillo, individually and as successor-in-interest to ANTHONY MURILLO-NIX, deceased, for her Complaint against Defendants City of Los Angeles, JESUS MARTINEZ, individually; KYLE GRIFFIN, and DOES 1-10 and allege as follows:

## **JURISDICTION AND VENUE**

7       1.     This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331  
8 and 1333(a)(3)-(4) because Plaintiff asserts claims arising under the laws of the  
9 United States including 42 U.S.C. § 1983 and the Fourth and Fourteenth  
10 Amendments of the United States Constitution. This Court has supplemental  
11 jurisdiction over Plaintiff's claims arising under state law pursuant to 28 U.S.C. §  
12 1333(a), because those claims are so related to the federal claims that they form part  
13 of the same case or controversy under Article III of the United States Constitution.

14       2.     Venue is proper in this Court under 28 U.S.C. § 1331(b) because  
15 Defendants reside in this district and all incidents, events, and occurrences giving  
16 rise to this action occurred in this district.

17       3. Plaintiff submitted a Government Tort Claim to the City of Los  
18 Angeles on March 28, 2022.

19       4.     The City of Los Angeles rejected the claim on April 19, 2022 and  
20 hence, this lawsuit ensued.

## INTRODUCTION

23       5. This civil rights and state tort action seeks compensatory and punitive  
24 damages from Defendants for violating various rights under the United States  
25 Constitution and state law in connection with the fatal officer-involved shooting of  
26 Plaintiff's son, ANTHONY MURILLO-NIX ("DECEDENT"), on February 1, 2022.

## PARTIES

6. At all relevant times, Decedent ANTHONY MURILLO-NIX was an individual residing in the City of Los Angeles, California.

7. Plaintiff MARIBEL MURILLO is an individual residing in the City of Los Angeles, California and is the mother of DECEDEDENT and sues both in her individual capacity and in a representative capacity as a successor-in-interest to DECEDEDENT pursuant to California Code of Civil Procedure § 377.60. Plaintiff seeks both survival and wrongful death damages under federal and state law.

9        8. At all relevant times, Defendant CITY OF LOS ANGELES (“CITY”)  
10 is and was a municipal corporation existing under the laws of the State of California.  
11 CITY is a chartered subdivision of the State of California with the capacity to be  
12 sued. CITY is responsible for the actions, omissions, policies, procedures, practices,  
13 and customs of its various agents and agencies, including the Los Angeles Police  
14 Department (“LAPD”), and its Metropolitan Division, Special Weapons and Tactics  
15 (“SWAT”), and its agents and employees. At all relevant times, Defendant CITY  
16 was responsible for assuring that the actions, omissions, policies, procedures,  
17 practices, and customs of the LAPD and its employees and agents complied with the  
18 laws of the United States and of the State of California. At all relevant times, CITY  
19 was the employer of Defendants Jesus Martinez, (“MARTINEZ”), Kyle Griffin,  
20 (“GRIFFIN”), and DOES 1-10, hereinafter collectively referred to as “the  
21 individual defendants”.

22        9. MARTINEZ is an officer working for the CITY, through his  
23 employment with the LAPD as Foothill Patrol Division Police Officer III, serial no.  
24 37593. At all relevant times, MARTINEZ was acting under color of law within the  
25 course and scope of his duties as an officer for the LAPD. Also at all relevant times,  
26 MARTINEZ was acting with the complete authority and ratification of his principal,  
27 Defendant CITY.

1       10. GRIFFIN is an officer working for the CITY, through his employment  
2 with the LAPD as Foothill Patrol Division Police Officer II, serial no 42066. At all  
3 relevant times, GRIFFIN was acting under color of law within the course and scope  
4 of his duties as an officer for the LAPD. Also at all relevant times, GRIFFIN was  
5 acting with the complete authority and ratification of his principal, Defendant CITY.

6       11. DOE "ONE" is a supervisory officer working for the CITY, through  
7 his employment with the LAPD. At all relevant times, DOE "ONE" was acting  
8 under color of law within the course and scope of his duties as an officer for the  
9 LAPD. Also at all relevant times, DOE "ONE" was acting with the complete  
10 authority and ratification of his principal, Defendant CITY.

11       12. DOES TWO through TEN were officers working for the CITY,  
12 through their employment with the LAPD. At all relevant times, DOES TWO  
13 through TEN were acting under color of law within the course and scope of his  
14 duties as officers for the LAPD. Also at all relevant times, DOES TWO through  
15 TEN were acting with the complete authority and ratification of their principal,  
16 Defendant CITY.

17       13. On information and belief, the foregoing individual defendants were  
18 residents of the City of Los Angeles.

19       14. In doing the acts and failing and omitting to act as hereinafter  
20 described, Defendants GRIFFIN, MARTINEZ were acting on the implied and actual  
21 permission and consent of the supervisory officers DOES 1-10.

22       15. In doing the acts and failing and omitting to act as hereinafter  
23 described, the individual defendants were acting on the implied and actual  
24 permission and consent of the CITY.

25       16. At all times mentioned herein, each and every defendant was the agent  
26 of each and every other defendant and had the legal duty to oversee and supervise  
27 the hiring, conduct, and employment of each and every defendant.

28

1       17. All of the acts complained of herein by Plaintiff against Defendants  
2 were done and performed by said Defendants by and through their authorized  
3 agents, servants, and/or employees, all of whom at all relevant times herein were  
4 acting within the course, purpose, and scope of said agency, service, and/or  
5 employment capacity. Moreover, Defendants and their agents ratified all of the acts  
6 complained of herein.

7 18. The individual defendants are sued in their individual capacity.

## **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

10       19. Plaintiff repeats and re-alleges each and every allegation in  
11 paragraphs 1 through 18 of this Complaint with the same force and effect as if fully  
12 set forth herein.

13        20. On February 2, 2022, officers working for the CITY responded to  
14 DECEDENT's residence, located in the 12935 Desmond St, Pacoima, California.  
15 The first group of officers arrived at approximately 2:25 a.m. on that date. The  
16 officers were responding to a call regarding a man (DECEDENT) possibly under the  
17 influence of alcohol wherein DECEDENT's family members advised Dispatch that  
18 DECEDENT was having a mental health crisis and threatening them. Shortly after  
19 arriving on scene, the family including Plaintiff were able to exit the house safely  
20 leaving Anthony Murillo as the sole occupant.

21        21. Upon information and belief, while officers were staging outside of the  
22 Murillo residence, a request had been made to the Mental Health Crisis team to  
23 assist in getting DECEDENT out of the house.

24       22. Shortly after 2:25 a.m., Defendants DOES 1-3, who are supervisory  
25 officers working for the CITY and the LAPD, established a plan to attempt entry  
26 into DECEDENT's bedroom notwithstanding that DECEDENT posed no immediate  
27 threat of death or serious bodily injury to any person. At this time, officers working

1 for the CITY had already commanded DECEDENT's family members to exit the  
2 residence.

3       23. Less than an hour and a half after first arriving on scene, and without  
4 waiting for the arrival of LAPD's mental health unit, Defendants DOES 1-10  
5 including GRIFFIN, MARTINEZ began to engage DECEDENT with numerous 40  
6 mm foam baton and bean bag shots.

7       24. In response to the unreasonable detention of DECEDENT within the  
8 residence, and the physical force used on him preventing him from calmly leaving  
9 the residence, DECEDENT attempted to flee from the side of the house, and ran  
10 through the only exit visible, an opening through the driveway gate.

11       25. As soon as DECEDENT ran out through the gate and onto the  
12 sidewalk, defendants MARTINEZ and GRIFFIN who were staged right outside the  
13 same gate, opened fire discharging multiple less lethal and lethal rounds at  
14 DECEDENT as he crossed the driveway threshold and unto the sidewalk.

15       26. Upon information and belief, no mental health crisis negotiation had  
16 engaged with DECEDENT because the mental health crisis unit was still in route  
17 when Defendants began to use force on him. The cessation of negotiation efforts  
18 and the failure to wait for the arrival of MHU in this situation was a contributing  
19 factor in the sustained unreasonable detention, and a cause in the use of excessive  
20 force against DECEDENT.

21       27. DECEDENT did not pose an immediate threat of death or serious  
22 bodily injury to anyone at the time of the shooting.

23       28. After being shot, DECEDENT was bleeding profusely and in obvious  
24 and critical need of emergency medical care and treatment. Defendants did not  
25 timely permit medical personnel to treat DECEDENT.

26       29. Also after DECEDENT had been shot, officers handcuffed  
27 DECEDENT.  
28

1       30. The delay of medical care to DECEDENT caused DECEDENT  
2 extreme physical and emotional pain and suffering, and was a contributing cause of  
3 DECEDENT's serious injuries.

4       31. The use of force against DECEDENT by the individual defendants was  
5 excessive and objectively unreasonable under the circumstances, especially because  
6 DECEDENT was suffering from a mental crisis and did not pose an immediate  
7 threat of death or serious bodily injury to anyone at the time of the shooting.

8       32. Plaintiff is DECEDENT's successor-in-interest as defined in Section  
9 377.11 of the California Code of Civil Procedure and succeeds to DECEDENT's  
10 interest in this action as the nature mother of DECEDENT.

## **FIRST CLAIM FOR RELIEF**

## **Fourth Amendment—Detention and Arrest (42 U.S.C. § 1983)**

14 (By Plaintiff against Defendants MARTINEZ and GRIFFIN, and DOES 1-10)

15       33. Plaintiff repeats and re-allege each and every allegation in paragraphs 1  
16 through 32 of this Complaint with the same force and effect as if fully set forth  
17 herein.

18       34. Defendants detained DECEDENT without reasonable suspicion and  
19 arrested him without probable cause.

20       35. When Defendants DOES 1-10, MARTINEZ and GRIFFIN pointed  
21 their weapons at DECEDENT and used force against him, they violated  
22 DECEDENT's right to be secure in his person against unreasonable searches and  
23 seizures as guaranteed to DECEDENT under the Fourth Amendment to the United  
24 States Constitution and applied to state actors by the Fourteenth Amendment.

25       36. Defendants' conduct was willful, wanton, malicious, and done with  
26 reckless disregard for the rights and safety of DECEDENT and therefore warrants  
27 the imposition of exemplary and punitive damages as to Defendants DOES 1-10,  
28 MARTINEZ and GRIFFIN.

1       37. As a result of their misconduct, Defendants MARTINEZ, GRIFFIN  
2 and DOES 1-10 are liable for DECEDENT's injuries, either because they were  
3 integral participants in the wrongful detention and arrest, or because they failed to  
4 intervene to prevent these violations.

5       38. Plaintiff brings this claim as a successor-in-interest to the DECEDENT,  
6 and seeks both survival and wrongful death damages for the violation of  
7 DECEDENT's rights. Plaintiff also seeks attorney's fees under this claim.

## **SECOND CLAIM FOR RELIEF**

## **Fourth Amendment —Excessive Force (42 U.S.C. § 1983)**

(By Plaintiff against Defendants MARTINEZ and GRIFFIN, and DOES 1-10)

12       39. Plaintiff repeats and re-alleges each and every allegation in  
13 paragraphs 1 through 38 of this Complaint with the same force and effect as if fully  
14 set forth herein.

15       40. Defendants deprived DECEDENT of his right to be secure in his  
16 person against unreasonable searches and seizures as guaranteed to DECEDENT  
17 under the Fourth Amendment to the United States Constitution and applied to state  
18 actors by the Fourteenth Amendment.

19       41. Defendant MARTINEZ and GRIFFIN, and DOES 1-10 used excessive  
20 force against DECEDENT when they deployed numerous 40 mm, bean bag and  
21 ultimately lethal rounds at him,

22       42. Defendant MARTINEZ and GRIFFIN, used excessive force against  
23 DECEDENT when they shot him without warning. MARTINEZ and GRIFFIN  
24 gunshots caused DECEDENT's death.

25       43. Defendants DOES 1-10 used excessive force against DECEDENT  
26 when they deployed numerous beanbag and 40 mm rounds at him at DECEDENT  
27 numerous times.

44. As a result of the foregoing, DECEDENT suffered great physical pain  
and emotional distress up to the time of his death, loss of enjoyment of life, loss of  
life, and loss of earning capacity.

45. The conduct of the individual defendants was willful, wanton,  
5 malicious, and done with reckless disregard for the rights and safety of  
6 DECEDEDENT, and therefore warrants the imposition of exemplary and punitive  
7 damages as to the individual defendants.

8       46. The use of force was excessive and unreasonable, especially because  
9 DECEDENT was suffering a mental crisis (a fact known to the involved officers at  
10 the time of the incident) and posed no immediate threat of death or serious bodily  
11 injury at the time of the shooting. Further, Defendants' use of force violated their  
12 training and standard police officer training.

13       47. As a result of their misconduct, Defendants MARTINEZ and  
14 GRIFFIN, and DOES 1-10 are liable for DECEDENT's injuries, either because they  
15 were integral participants in the use of force, or because they failed to intervene to  
16 prevent these violations.

17       48. Plaintiff brings this claim as successor-in-interest to the DECEDENT,  
18 and seeks both survival and wrongful death damages for the violation of  
19 DECEDENT's rights. Plaintiff also seeks attorney's fees under this claim.

### **THIRD CLAIM FOR RELIEF**

## **Fourth Amendment —Denial of Medical Care (42 U.S.C. § 1983)**

22 (By Plaintiff against Defendants MARTINEZ and GRIFFIN, and DOES 1-10)

23       49. Plaintiff repeats and re-alleges each and every allegation in  
24 paragraphs 1 through 48 of this Complaint with the same force and effect as if fully  
25 set forth herein.

26        50. The denial of medical care by Defendants deprived DECEDED of his  
27 right to be secure in his person against unreasonable searches and seizures as

1 guaranteed to DECEDENT under the Fourth Amendment to the United States  
2 Constitution and applied to state actors by the Fourteenth Amendment.

3       51. As a result of the foregoing, DECEDENT suffered great physical pain  
4 and emotional distress up to the time of his death, loss of enjoyment of life, loss of  
5 life, and loss of earning capacity.

6       52. Defendants knew that failure to provide timely medical treatment to  
7 DECEDENT could result in further significant injury or the unnecessary and wanton  
8 infliction of pain, but disregarded that serious medical need, causing DECEDENT  
9 great bodily harm and death.

10      53. Defendants' conduct was willful, wanton, malicious, and done with  
11 reckless disregard for the rights and safety of DECEDENT and therefore warrants  
12 the imposition of exemplary and punitive damages as to the individual defendants.

13      54. As a result of their misconduct, Defendants MARTINEZ and  
14 GRIFFIN, and DOES 1-10 are liable for DECEDENT's injuries, either because  
15 they were integral participants in the denial of medical care, or because they failed  
16 to intervene to prevent these violations.

17      55. Plaintiff brings this claim as a successor-in-interest to the DECEDENT,  
18 and seeks both survival and wrongful death damages for the violation of  
19 DECEDENT's rights. Plaintiff also seeks attorney's fees under this claim.  
20

#### 21                          **FOURTH CLAIM FOR RELIEF**

##### 22                          **Substantive Due Process (42 U.S.C. § 1983)**

23      (By Plaintiff against Defendants MARTINEZ and GRIFFIN, and DOES 1-10)

24      56. Plaintiff repeats and re-alleges each and every allegation in  
25 paragraphs 1 through 55 of this Complaint with the same force and effect as if fully  
26 set forth herein.

27      57. Plaintiff had a cognizable interest under the Due Process Clause of the  
28 Fourteenth Amendment of the United States Constitution to be free from state

1 actions that deprive her of life, liberty, or property in such a manner as to shock the  
2 conscience, including but not limited to unwarranted state interference in Plaintiff's  
3 familial relationship with her son, DECEDENT.

4       58. Plaintiff's DECEDENT had a cognizable interest under the Due  
5 Process Clause of the Fourteenth Amendment of the United States Constitution to be  
6 free from state actions that deprive him of life, liberty, or property in such a manner  
7 as to shock the conscience, including but not limited to unwarranted state  
8 interference in Plaintiff's familial relationship with her son, DECEDENT.

9       59. The aforementioned actions of Defendants MARTINEZ and GRIFFIN,  
10 and DOES 1-10) along with other undiscovered conduct, shock the conscience, in  
11 that they acted with deliberate indifference to the constitutional rights of  
12 DECEDENT and Plaintiff, and with purpose to harm unrelated to any legitimate law  
13 enforcement objective.

14       60. As a direct and proximate result of these actions, DECEDENT  
15 experienced pain and suffering and eventually died. Defendants thus violated the  
16 substantive due process rights of Plaintiff to be free from unwarranted interference  
17 with her familial relationship with DECEDENT.

18       61. As a direct and proximate cause of the acts of Defendants, Plaintiff  
19 suffered emotional distress, mental anguish, and pain. Plaintiff has also been  
20 deprived of the life-long love, companionship, comfort, support, society, care, and  
21 sustenance of DECEDENT, and will continue to be so deprived for the remainder of  
22 her natural life.

23       62. As a result of their misconduct, Defendants MARTINEZ and  
24 GRIFFIN, and DOES 1-10 are liable for DECEDENT's injuries, either because they  
25 were integral participants in the wrongful detention and arrest, or because they  
26 failed to intervene to prevent these violations.

27       63. Defendants' conduct was willful, wanton, malicious, and done with  
28 reckless disregard for the rights and safety of DECEDENT and Plaintiff and

1 therefore warrants the imposition of exemplary and punitive damages as to the  
2 individual Defendants.

3       64. Plaintiff brings this claim individually and as a successor-in-interest to  
4 the DECEDENT, and seeks both survival and wrongful death damages. Plaintiff  
5 also seeks attorneys' fees under this claim.

## **FIFTH CLAIM FOR RELIEF**

## **Municipal Liability – Ratification (42 U.S.C. § 1983)**

(By Plaintiff against Defendants MARTINEZ and GRIFFIN, and DOES 1-10)

10       65. Plaintiff repeats and re-alleges each and every allegation in paragraphs  
11 1 through 64 of this Complaint with the same force and effect as if fully set forth  
12 herein.

13       66. Defendants MARTINEZ and GRIFFIN, and DOES 1-10 acted under  
14 color of law.

15       67. The acts of the individual defendants deprived DECEDENT and  
16 Plaintiff of their particular rights under the United States Constitution.

17       68. Upon information and belief, a final policymaker, acting under color of  
18 law, who had final policymaking authority concerning the acts of the individual  
19 defendants, ratified the acts of the defendants' acts and the bases for them. Upon  
20 information and belief, the final policymaker knew of and specifically approved of  
21 the individual defendants' acts.

22        69. Upon information and belief, a final policymaker has determined (or  
23 will determine) that the acts of the individual defendants were “within policy.”

24       70. By reason of the aforementioned acts and omissions, Plaintiff suffered  
25 loss of the love, companionship, affection, comfort, care, society, training, guidance,  
26 and support of DECEDENT. The aforementioned acts and omissions also caused  
27 DECEDENT's pain and suffering, loss of enjoyment of life, and death.

71. Accordingly, Defendants MARTINEZ and GRIFFIN, and DOES 1-10 each are liable to Plaintiff for compensatory damages under 42 U.S.C. § 1983.

3       72. Plaintiff brings this claim as a successor-in-interest to DECEDENT,  
4 and seeks both survival and wrongful death damages under this claim. Plaintiff also  
5 seeks punitive damages and attorney's fees under this claim.

## **SIXTH CLAIM FOR RELIEF**

## **Municipal Liability – Failure to Train (42 U.S.C. § 1983)**

(Against Defendants CITY, MARTINEZ and GRIFFIN)

10       73. Plaintiff repeats and re-allege each and every allegation in paragraphs 1  
11 through 72 of this Complaint with the same force and effect as if fully set forth  
12 herein.

13 || 74. Defendants MARTINEZ and GRIFFIN acted under color of law.

14       75. The acts of the individual defendants deprived DECEDENT and  
15 Plaintiff of their particular rights under the United States Constitution.

16       76. The training policies of Defendant CITY were not adequate to train its  
17 officers to handle the usual and recurring situations with which they must deal. This  
18 includes training with respect to tactics, handling situations with the mentally ill,  
19 and the use of force, including deadly force.

20        77. Defendant CITY was deliberately indifferent to the obvious  
21 consequences of its failure to train its officers adequately, including training with  
22 respect to tactics, handling situations with the mentally ill, and the use of force,  
23 including deadly and non-deadly force.

24       78. The failure of Defendant CITY to provide adequate training caused the  
25 deprivation of Plaintiff's rights by the individual defendants; that is, Defendants'  
26 failure to train is so closely related to the deprivation of the Plaintiff's rights as to be  
27 the moving force that caused the ultimate injury.

79. On information and belief, CITY failed to train the individual defendants properly and adequately, including training with respect to tactics, handling situations with the mentally ill, and the use of force, including deadly and non-deadly force.

80. By reason of the aforementioned acts and omissions, Plaintiff has suffered loss of the love, companionship, affection, comfort, care, society, training, guidance, and support of DECEDENT. The aforementioned acts and omissions also caused DECEDENT's pain and suffering, loss of enjoyment of life, and death.

81. Accordingly, Defendants CITY, MARTINEZ and GRIFFIN each are liable to Plaintiff for compensatory damages under 42 U.S.C. § 1983.

82. Plaintiff brings this claim as a successor-in-interest to DECEDENT, and seeks both survival and wrongful death damages under this claim. Plaintiff also seeks punitive damages and attorney fees under this claim.

## **SEVENTH CLAIM FOR RELIEF**

## **Municipal Liability – Unconstitutional Custom or Policy (42 U.S.C. § 1983)**

(Against Defendants CITY, MARTINEZ and GRIFFIN)

83. Plaintiff repeats and re-allege each and every allegation in paragraphs 1 through 82 of this Complaint with the same force and effect as if fully set forth herein.

84. The individual defendants, including MARTINEZ and GRIFFIN, acted under color of law.

85. The individual defendants acted pursuant to an expressly adopted official policy or a longstanding practice or custom of Defendant CITY.

86. On information and belief, the individual defendants were not disciplined, reprimanded, retrained, suspended, or otherwise penalized in connection with DECEDENT's death.

1       87. Defendants CITY, MARTINEZ and GRIFFIN, together with other  
2 CITY policymakers and supervisors, maintained, inter alia, the following  
3 unconstitutional customs, practices, and policies:

- 4             (a) Using excessive force, including excessive deadly and non-  
5                 deadly force;
- 6             (b) Providing inadequate training regarding the use of deadly force;
- 7             (c) Employing and retaining as police officers individuals such as  
8                 Defendants MARTINEZ and GRIFFIN, whom Defendant CITY  
9                 at all times material herein knew or reasonably should have  
10                 known had dangerous propensities for abusing their authority  
11                 and for using excessive force;
- 12             (d) Inadequately supervising, training, controlling, assigning, and  
13                 disciplining CITY officers, and other personnel, including  
14                 Defendants MARTINEZ and GRIFFIN, who Defendant CITY  
15                 knew or in the exercise of reasonable care should have known  
16                 had the aforementioned propensities and character traits;
- 17             (e) Maintaining grossly inadequate procedures for reporting,  
18                 supervising, investigating, reviewing, disciplining and  
19                 controlling misconduct by CITY officers, Defendants  
20                 MARTINEZ and GRIFFIN;
- 21             (f) Failing to adequately discipline CITY police officers, including  
22                 Defendants MARTINEZ and GRIFFIN, for the above-referenced  
23                 categories of misconduct, including “slaps on the wrist,”  
24                 discipline that is so slight as to be out of proportion to the  
25                 magnitude of the misconduct, and other inadequate discipline  
26                 that is tantamount to encouraging misconduct;

- (g) Announcing that unjustified shootings are “within policy,” including shootings that were later determined in court to be unconstitutional;
  - (h) Even where shootings are determined in court to be unconstitutional, refusing to discipline, terminate, or retrain the officers involved;
  - (i) Encouraging, accommodating, or facilitating a “blue code of silence,” “blue shield,” “blue wall,” “blue curtain,” “blue veil,” or simply “code of silence,” pursuant to which police officers do not report other officers’ errors, misconduct, or crimes. Pursuant to this code of silence, if questioned about an incident of misconduct involving another officer, while following the code, the officer being questioned will claim ignorance of the other officers’ wrongdoing;
  - (j) Maintaining a policy of inaction and an attitude of indifference towards soaring numbers of police shootings, including by failing to discipline, retrain, investigate, terminate, and recommend officers for criminal prosecution who participate in shootings of unarmed people;
  - (k) Providing inadequate training regarding handling situations with mentally ill individuals.

22        88. By reason of the aforementioned acts and omissions, Plaintiff has  
23 suffered loss of the love, companionship, affection, comfort, care, society, training,  
24 guidance, and past and future support of DECEDENT. The aforementioned acts and  
25 omissions also caused DECEDENT's pain and suffering, loss of enjoyment of life,  
26 and death.

27       89. Defendants CITY and MARTINEZ and GRIFFIN, together with  
28 various other officials, whether named or unnamed, had either actual or constructive

1 knowledge of the deficient policies, practices and customs alleged in the paragraphs  
2 above. Despite having knowledge as stated above, these defendants condoned,  
3 tolerated and through actions and inactions thereby ratified such policies. Said  
4 defendants also acted with deliberate indifference to the foreseeable effects and  
5 consequences of these policies with respect to the constitutional rights of  
6 DECEDEDENT, Plaintiff, and other individuals similarly situated.

7       90. By perpetrating, sanctioning, tolerating and ratifying the outrageous  
8 conduct and other wrongful acts, MARTINEZ and GRIFFIN acted with intentional,  
9 reckless, and callous disregard for the life of DECEDEDENT and for DECEDEDENT's  
10 and Plaintiff's constitutional rights. Furthermore, the policies, practices, and  
11 customs implemented, maintained, and still tolerated by Defendants CITY and  
12 MARTINEZ and GRIFFIN were affirmatively linked to and were a significantly  
13 influential force behind the injuries of DECEDEDENT and Plaintiff.

14       91. The following are only a few examples of continued misconduct by  
15 officers working for Defendant CITY. These examples demonstrate an  
16 unconstitutional custom, policy, and practice of using deadly force against unarmed  
17 civilians, and ratifying that use of deadly force and/or finding the use of deadly  
18 force to be justified or "within policy":

19           a) In *Contreras v. City of Los Angeles*, case number 2:11-cv-01480-SVW  
20 (SHx), the CITY argued that the use deadly force against Mr. Contreras  
21 by LAPD officers was reasonable; a unanimous jury disagreed,  
22 awarding Mr. Contreras \$5,700,000 after finding that the involved  
23 officers used excessive and unreasonable force when they shot an  
24 unarmed Mr. Contreras. Police reports confirmed that Mr. Contreras  
25 was unarmed. In that case, the involved officers were not disciplined  
26 or retrained for their use of deadly force, and the CITY found that the  
27 shooting was justified and did not violate any CITY policy.

28

- 1                   b) In *P.C., et al. v. City of Los Angeles*, case number CV 07-3413 PLA,  
2                   the CITY argued that the involved LAPD officers' use of force was  
3                   reasonable; a unanimous jury disagreed, awarding the plaintiffs a total  
4                   of \$3,215,000 after finding that the involved officers' use of force was  
5                   excessive and unreasonable. In that case, the involved officers were  
6                   not disciplined or retrained for their use of deadly force, and the CITY  
7                   found that the shooting was justified and did not violate any CITY  
8                   policy.
- 9                   c) In *Cano, et al. v. City of Los Angeles*, case number 2:15-cv-00333-  
10                  JAK-E, the family of an unarmed man (David Martinez) who was shot  
11                  and killed by LAPD Rampart officers alleged that the force used by the  
12                  officers was excessive and unreasonable. Police reports confirmed that  
13                  Mr. Martinez was unarmed at the time of the shooting. In that case, the  
14                  involved officers were not disciplined or retrained for their use of  
15                  deadly force, and the CITY found that the shooting was justified and  
16                  did not violate any CITY policy.
- 17                  d) In *Wysocki v. City of Los Angeles*, case number  
18                  2:15-cv-09587-PA-GJS, currently pending in the United States  
19                  District Court for the Central District of California, the mother of a  
20                  mentally ill veteran (Michael Mears) who was killed by LAPD officers  
21                  after the officers used Tasers, pepper spray, and police batons against  
22                  him at his own residence alleges that the force used by the officers was  
23                  excessive and unreasonable. Police reports confirm that Mr. Mears was  
24                  unarmed during the incident. In that case, the involved officers were  
25                  not disciplined or retrained for their use of deadly force, and the CITY  
26                  found that the shooting was justified and did not violate any CITY  
27                  policy.
- 28

92. Accordingly, Defendants CITY and MARTINEZ and GRIFFIN each are liable to Plaintiff for compensatory damages under 42 U.S.C. § 1983.

93. Plaintiff brings this claim individually and as a successor-in-interest to DECEDEDENT, and seeks both survival and wrongful death damages under this claim. Plaintiff also seeks punitive damages and attorneys' fees under this claim.

## **EIGHTH CLAIM FOR RELIEF**

## Battery

## (Wrongful Death)

**(Against Defendants CITY, MARTINEZ and GRIFFIN)**

11       94. Plaintiff repeats and re-alleges each and every allegation in paragraphs  
12 1 through 91 of this Complaint with the same force and effect as if fully set forth  
13 herein.

14        95. MARTINEZ, GRIFFIN and DOES 1-10, while working as officers for  
15 the LAPD, and acting within the course and scope of their duties, intentionally shot  
16 DECEDENT multiple times and used unreasonable and excessive force against him.  
17 As a result of the actions of MARTINEZ, GRIFFIN and DOES 1-10, Decedent  
18 suffered severe pain and suffering and ultimately died from his injuries.  
19 MARTINEZ, GRIFFIN and DOES 1-10 had no legal justification for using force  
20 against DECEDENT, and their use of force while carrying out their duties as police  
21 officers, crisis negotiation officers, and/or LAPD Special Weapons and Tactics team  
22 officers was an unreasonable and nonprivileged use of force.

23        96. CITY is vicariously liable for the wrongful acts of Defendants  
24 MARTINEZ, GRIFFIN and DOES 1-10 pursuant to section 815.2(a) of the  
25 California Government Code, which provides that a public entity is liable for the  
26 injuries caused by its employees within the scope of the employment if the  
27 employee's act would subject him or her to liability.

1       97. The conduct of MARTINEZ, GRIFFIN and DOES 1-10 was malicious,  
2 wanton, oppressive, and accomplished with a conscious disregard for the rights of  
3 Plaintiff and DECEDENT, entitling Plaintiff, individually and as successor-in-  
4 interest to DECEDENT, to an award of exemplary and punitive damages as to  
5 Defendants MARTINEZ, GRIFFIN and DOES 1-10.

6       98. Plaintiff brings this claim as successor-in-interest to DECEDENT, and  
7 seeks both survival and wrongful death damages under this claim. Plaintiff also  
8 seeks punitive damages and attorneys' fees under this claim.

## **NINTH CLAIM FOR RELIEF**

## Negligence

## (Wrongful Death)

(Against all Defendants)

14       99. Plaintiff repeats and re-alleges each and every allegation in paragraphs  
15 1 through 98 of this Complaint with the same force and effect as if fully set forth  
16 herein.

17        100. Police officers, including Defendants, have a duty to use reasonable  
18 care to prevent harm or injury to others. This duty includes appropriate tactics,  
19 giving appropriate commands, giving warnings, and not using any force unless  
20 necessary, using less than lethal options, and only using deadly force as a last resort.

21       101. Defendants DOES 1-10 breached this duty of care. Upon information  
22 and belief, the actions and inactions of Defendants DOES 1-10 were negligent and  
23 reckless, including but not limited to:

- (b) the negligent tactics and handling of the situation with DECEDENT, including pre-shooting and pre-Tasing negligence;
- (c) the negligent detention, arrest, and use of force, including deadly force, against DECEDENT;
- (d) the failure to provide prompt medical care to DECEDENT;
- (e) the failure to properly train and supervise employees, both professional and non-professional, including MARTINEZ, GRIFFIN and DOES 1-10;
- (f) the failure to ensure that adequate numbers of employees with appropriate education and training were available to meet the needs of and protect the rights of DECEDENT;
- (g) the negligent handling of evidence and witnesses;
- (h) the negligent communication of information during the incident;
- (i) the failure to properly train MARTINEZ, GRIFFIN and DOES 1-10 with regard to handling situations involving mentally ill individuals;

20        102. As a direct and proximate cause of Defendant's conduct as  
21        alleged above, and other undiscovered negligent conduct, DECEDED was  
22        caused to suffer severe pain and suffering and ultimately died. Also as a  
23        direct and proximate result of Defendants' conduct as alleged above, Plaintiff  
24        suffered emotional distress and mental anguish. Plaintiff has been deprived of  
25        the life-long love, companionship, comfort, support, society, care and  
26        sustenance of DECEDED, her son, and will continue to be so deprived for  
27        the remainder of her natural life.

28 || 103. CITY is vicariously liable for the wrongful acts of Defendants

1 MARTINEZ, GRIFFIN and DOES 1-10 pursuant to section 815.2(a) of the  
2 California Government Code, which provides that a public entity is liable for  
3 the injuries caused by its employees within the scope of the employment if  
4 the employee's act would subject him or her to liability.

5       104. Plaintiff brings this claim as successor-in-interest to DECEDENT, and  
6 seeks both survival and wrongful death damages under this claim. Plaintiff also  
7 seeks punitive damages and attorneys' fees under this claim.

## **TENTH CLAIM FOR RELIEF**

## **Violation of Cal. Civil Code § 51.2**

(Against all Defendants)

12       105. Plaintiff repeats and re-alleges each and every allegation in  
13 paragraphs 1 through 104 of this Complaint with the same force and effect as  
14 if fully set forth herein.

15        106. California Civil Code, Section 52.1 (The Bane Act), prohibits  
16 any person from using violent acts or threatening to commit violent acts in  
17 retaliation against another person for exercising that person's constitutional  
18 rights.

19        107. On information and belief, Defendants MARTINEZ, GRIFFIN  
20 and DOES 1-10, while working for the CITY and acting within the course  
21 and scope of their duties, intentionally committed and attempted to commit  
22 acts of violence against DECEDENT, including shooting him without  
23 justification or excuse, by integrally participating and failing to intervene in  
24 the above violence, and by denying him necessary medical care.

25        108. When Defendants shot DECEDENT, they interfered with his  
26 civil rights to be free from unreasonable searches and seizures, to due  
27 process, to equal protection of the laws, to medical care, to be free from state  
28 actions that shock the conscience, and to life, liberty, and property.

1       109. On information and belief, Defendants intentionally and  
2 spitefully committed the above acts to discourage DECEDENT from  
3 exercising his civil rights, to retaliate against him for invoking such rights, or  
4 to prevent him from exercising such rights, which they were fully entitled to  
5 enjoy.

6       110. On information and belief, DECEDENT reasonably believed  
7 and understood that the violent acts committed by Defendants MARTINEZ,  
8 GRIFFIN and DOES 1-10, inclusive, were intended to discourage them from  
9 exercising the above civil rights, to retaliate against them, or invoking such  
10 rights, or to prevent them from exercising such rights.

11       111. Defendants successfully interfered with the above civil rights of  
12 DECEDENT and Plaintiff.

13       112. The conduct of Defendants was a substantial factor in causing  
14 Plaintiff's harms, losses, injuries and damages.

15       113. CITY is vicariously liable for the wrongful acts of Defendants  
16 MARTINEZ, GRIFFIN and DOES 1-10 pursuant to section 815.2(a) of the  
17 California Government Code, which provides that a public entity is liable for  
18 the injuries caused by its employees within the scope of the employment if  
19 the employee's act would subject him or her to liability.

20       114. Defendants DOES 6-10 are vicariously liable under California  
21 law and the doctrine of *respondeat superior*.

22       115. The conduct of Defendants was malicious, wanton, oppressive,  
23 and accomplished with a conscious disregard for DECEDENT's and  
24 Plaintiff's rights, justifying an award of exemplary and punitive damages as  
25 to Defendants DOES 1-10.

26       116. Plaintiff brings this claim as successor-in-interest to DECEDENT, and  
27 seeks both survival and wrongful death damages under this claim. Plaintiff also  
28 seeks punitive damages and attorneys' fees under this claim.

## **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff request entry of judgment in their favor and against  
3 Defendants City of Los Angeles, Jesus Martinez; Kyle Griffin and Does 1-10,  
4 inclusive, as follows: (1) For compensatory damages in whatever other amount may  
5 be proven at trial, including both survival damages, loss of life, loss of enjoyment of  
6 life and wrongful death damages under federal and state law; (2) For funeral and  
7 burial expenses, and loss of financial support; (3) For punitive damages against the  
8 individual defendants in an amount to be proven at trial; (4) For statutory damages;  
9 (5) For interest; (6) For reasonable attorneys' fees, including litigation expenses; (7)  
10 For costs of suit; and (8) For such further other relief as the Court may deem just,  
11 proper, and appropriate.

14 | DATED: May 10, 2022

SEHAT LAW FIRM PLC

Bv \_\_\_\_\_ /s/ *Cameron Sehat*  
Cameron Sehat, Esq.  
Mónica Reyes-Santiago  
Attorneys for Plaintiff Maribel Murillo

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury.

DATED: May 10, 2022

SEHAT LAW FIRM PLC

Bv \_\_\_\_\_ /s/ *Cameron Sehat*  
Cameron Sehat, Esq.  
Mónica Reyes-Santiago, Esq.  
Attorneys for Plaintiff Maribel Murillo